

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ALYSON GRIFFIN,

Plaintiff,

V.

CORNERSTONE MORTGAGE COMPANY,  
AND CORNERSTONE MORTGAGE  
PARTNERS OF TEXAS, L.P.

Defendants.

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CIVIL ACTION NO. \_\_\_\_\_

**DEFENDANTS' NOTICE OF REMOVAL**

TO: United States District Court Clerk  
For the Southern District of Texas  
Houston Division  
515 Rusk Street  
Houston, TX 77002

Clerk of the 269th Judicial District Court  
Harris County District Courthouse  
201 Caroline, 1st Floor  
Houston, TX 77002

Nasim Ahmad  
Delana Cline  
Cline | Ahmad  
21 Waterway, Suite 300  
The Woodlands, TX 77380

Joseph Y. Ahmad  
Ahmad, Zavitsanos, Anaipakos,  
Alavi & Mensing, P.C.  
1221 McKinney Street, Suite 3460  
Houston, TX 77010

PLEASE TAKE NOTICE that Defendants Cornerstone Mortgage Company and  
Cornerstone Mortgage Partners of Texas, L.P. ("Defendants"), remove this civil action from the

269th Judicial District Court of Harris County, Texas pursuant to 28 U.S.C. §§ 1331 & 1441(a)-(c). The grounds for removal are set forth below:

1. On September 14, 2012, Plaintiff Alyson Griffin (“Griffin”) commenced a civil action now pending in the 269th Judicial District Court of Harris County, Texas against Cornerstone Mortgage Company (Ex. A) (certified copy of Original Petition). This action was not removable, because it alleged only state law claims against Cornerstone Mortgage Company, a non-diverse defendant with its principal place of business in Houston, Texas.

2. On September 17, 2012, Griffin filed a First Amended Petition against Cornerstone Mortgage Company and Cornerstone Mortgage Partners of Texas, L.P. (Ex. B) (certified copy of First Amended Petition). This action is removable, because it alleged federal claims against Defendants, under the two federal laws, the Equal Pay Act, and Title VII of the Civil Rights Act of 1964. As required under 28 U.S.C. § 1446(b), this Notice of Removal is filed within 30 days of service of Griffin’s First Amended Petition.

3. On September 19, 2012, Defendants executed a waiver of service (Ex. C) (copy of waiver of service).

4. There are no other parties to the state court action. The lawsuit is recorded on the docket of the 269th Judicial District Court of Harris County, Texas as Cause No. 2012-53667 (“the Harris County action”).

5. Defendants have filed an Answer in the Harris County action, a true and correct certified copy of its Answer is attached and incorporated by reference for all purposes as Exhibit D.

#### **Removal Based on Federal Question**

6. This Court has federal question jurisdiction over Plaintiff’s claims against Defendants under the Equal Pay Act and Title VII. Accordingly, removal is proper under 28

U.S.C. §§ 1331 and 1441(a)-(b), and the Court has supplement jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1441(c).

7. Promptly upon the filing of this Notice of Removal, Defendants shall file a Notice of Filing of Notice of Removal, with a copy of this Notice of Removal, with the 269th Judicial District Court of Harris County, Texas and serve a copy thereof on Plaintiff through her counsel. A copy of Defendants' Notice of Filing Notice of Removal is attached hereto and incorporated herein by reference for all purposes as Exhibit E.

8. Pursuant to Local Rule 81, the following documents have been attached to this Notice of Removal:

1. Plaintiff's Original Petition; (Exhibit A);
2. Plaintiff's First Amended Petition (Exhibit B);
3. Defendants' Executed Waiver of Service (Exhibit C);
4. Defendants' Original Answer (Exhibit D);
5. Notice of Filing Notice of Removal (Exhibit E);
6. No orders have been signed by the state court judge;
7. A copy of the docket sheet from the Harris County District Court (Exhibit F);
8. A list of all counsel of record, including addresses, telephone numbers and parties represented (Exhibit G); and
9. An Index of Matters Being Filed (Exhibit H).

Respectfully submitted,

OBERTI SULLIVAN LLP

By: s/ Edwin Sullivan  
Mark J. Oberti  
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ATTORNEY-IN-CHARGE FOR DEFENDANTS

OF COUNSEL:

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ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served on counsel of record through the Southern District of Texas ECF system or via certified mail, on this the 12<sup>th</sup> day of October 2012.

Nasim Ahmad  
Delana Cline  
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Joseph Y. Ahmad  
Ahmad, Zavitsanos, Anaipakos,  
Alavi & Mensing, P.C.  
1221 McKinney Street, Suite 3460  
Houston, TX 77010

s/ Mark J. Oberti  
\_\_\_\_\_  
Mark J. Oberti

**CERTIFICATION OF NOTIFICATION TO DISTRICT COURT**

I further certify that I caused a copy of this Notice of Removal to be filed with the clerk of the 269th Judicial District Court of Harris County, Texas in accordance with 28 U.S.C. § 1446(d).

s/ Mark J. Oberti  
\_\_\_\_\_  
Mark J. Oberti